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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIFFANY YIP, et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:21-cv-01254-ART-EJY

Consolidated with:
2:21-cv-02149-APG-BNW

**STIPULATION AND ORDER TO
ALLOW AMENDED COMPLAINT AND
EXTEND TIME TO RESPOND TO THE
COMPLAINTS**

(First Request)

A.M. HAMILTON, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:22-cv-00374-ART-EJY

Plaintiffs Tiffany Yip, et al. and A.M. Hamilton (“Plaintiffs”) and Bank of America, N.A. (“Defendant,” and together with Plaintiffs, the “Parties”), by and through their respective counsel, hereby submit this stipulation to allow Plaintiff Hamilton to file an Amended Complaint and for an extension of time for Defendant’s forthcoming motions to dismiss in the consolidated cases *Yip v. Bank of America*, No. 2:21-cv-01254, and *Hamilton v. Bank of America*, No. 2:22-cv-00374. This is the first request for an extension of these response deadlines, which were set forth

1 in the court's October 18, 2022 Order Consolidating Cases for Pretrial Purposes. *See Yip*, ECF
2 No. 40; *Hamilton*, ECF No. 17.

3 On April 11, 2022, Defendant moved to consolidate *Yip* and *Hamilton*. *Yip*, ECF No. 32;
4 *Hamilton*, ECF No. 10. While the motion to consolidate was pending, the Parties stipulated, and
5 the Court Ordered, that Defendant's anticipated motion(s) to dismiss would be due 30 days after
6 the Court's ruling on the motion to consolidate; Plaintiffs' opposition(s) would be due 30 days
7 after the deadline for Defendant's motion(s); and Defendant's reply(ies) would be due 21 days
8 after the deadline for Plaintiff's opposition. *Yip*, ECF No. 33 at 2; *Hamilton*, ECF No. 12 at 2.
9 On October 18, 2022, the Court granted Defendant's Motion to Consolidate and ordered the cases
10 "partially consolidated for pretrial purposes," but specified that separate motions to dismiss must
11 be filed. *Yip*, ECF No. 40 at 6 & n.1; *Hamilton*, ECF No. 17 at 6 & n.1. As a result, Defendant
12 must respond to the *Yip* First Amended Complaint and the *Hamilton* Complaint on or before
13 November 17, 2022. *Yip*, ECF No. 40; *Hamilton*, ECF No. 17. Following the issuance of the
14 Court's consolidation order, counsel for the *Hamilton* plaintiff informed Defendant's counsel that
15 an amended complaint will be filed in that case by October 28, 2022.

16 In order to ensure counsel for Defendant has sufficient time to review and respond to the
17 forthcoming amended complaint in *Hamilton*, and in light of the upcoming holidays, the Parties
18 have agreed to the following schedule:

19 Plaintiff *Hamilton*, pursuant to Rule 15(a)(2), will file an amended complaint by October
20 28, 2022;

21 Defendant's anticipated motions to dismiss for both *Hamilton* and *Yip* shall be due on
22 December 8, 2022;

23 Plaintiffs' oppositions to Defendant's motions to dismiss shall be due on January 26,
24 2023;

25 Defendant's replies in support of their motions to dismiss shall be due 28 days after the
26 deadline for Plaintiffs' oppositions, but in any event no earlier than January 30, 2023.

27 IT IS SO STIPULATED.
28

1
2 Dated: October 28, 2022

Dated: October 28, 2022

3 By: /s/ Michael Kind

4 Michael Kind (No. 13903)

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: October 31, 2022